**Second Member of Council.—**

At present there are not many in the subordinate service who can be promoted. As they join the lower service in larger numbers, there will be scope for larger promotions later.

## REPRESENTATIONS—(*contd.*)

No. 11.—Appointment of a committee to investigate and suggest measures for the improvement of Devadaya Inams

Messrs. N. Chennabasappa and Patte Basappa, Molakalmuru Taluk.

MESSRS. CHENNABASAPPA and PATTE BASAPPA, represented that a committee consisting of the Amildar of the taluk and four non-official members might be appointed in each taluk to investigate and suggest measures for the improvement of the Devadaya inam lands in all the villages in the State since the present state of affairs in certain places such as Maralahalli in Molakalmuru Taluk, etc., was anything but satisfatory.

The main complaint of the movers was that the lands given for Devadaya were being alienated and that they did not become available for the purposes for which they were originally given.

THE FIRST MEMBER OF COUNCIL stated that a systematic enquiry into alienation or misuse of Devadaya Inams had been undertaken and the Dharmadarsis of the temples concerned might help by bringing to notice cases requiring examination.

MR. CHENNAPPA said that many temples had no Dharmadarsis.

THE FIRST MEMBER OF COUNCIL stated that wherever required arrangement would be made to appoint them.

Many members represented that many institutions in inam villages had no Dharmadarsis.

THE FIRST MEMBER OF COUNCIL stated that general instructions would be issued for the appointment of Dharmadarsis wherever required.

No. 12.—Regulating the disposal of Takarar Takhtas.

Mr. B. Linge Gowda, Hiriyur Taluk.

MR. B. LINGE GOWDA represented that there was at present undue delay in the disposal of Takarar Takhtas and requested that their disposal might be regulated in future as follows:—

(1) That Takarar Takhtas might be ordered to be

presented to the Amildar while the disputed crop is standing or at least the marks of which are still visible.

(2) That the Amildar might immediately serve a notice on the party to give his statement.

(3) If he denied the fact, the Amildar or the Revenue Inspector might personally inspect the disputed land along with the leading men of the village and draw up a mahazar.

(4) That orders might be passed immediately on receipt of the mahazar, thus allowing time to the party for preferring appeal, if necessary.

(5) Soon after the issue of orders the amount might be credited to the party's account in the same year.

MR. LINGE GOWDA explained that there were no rules regulating the disposal of these Takarar Takhtas. In some cases, notices were given before final orders were passed and in others not. The Shanbhog was the complainant and his word was accepted. In the Hiriyur Taluk more than Rs. 2,700 was collected in one year on account of additional assessment levied. Mr. Linge Gowda complained that the Taluk Office would sleep over the takarars for several years and suddenly pounce upon the villagers without previous notice.

MR. APPAJIAH said that if the Amildars and the Assistant Commissioners enquired into the matter at the Jamabandy time, all these troubles would disappear.

THE SECOND MEMBER OF COUNCIL replied that the real difficulty was that if notice was given, the parties did not generally put in their appearance. That showed there was no takarar.

MR. S. C. MALLIAH inquired why should not the Jamabandi Officer himself go and investigate the takarars by local inquiries before passing orders. Appeal meant unnecessary loss of time and money. If, on the other hand, notice was given to the parties they would be satisfied.

THE REVENUE COMMISSIONER said that the attention of the Revenue Officers would be invited by means of a circular, to the procedure prescribed in the Revenue Code and that they would be asked to strictly adhere to that procedure.

MR. M. C. LINGE GOWDA said that it was certainly not possible for either the Revenue Commissioner or the Deputy Commissioner to personally inquire into each case, but what he mentioned was that it should be possible for these officers, during their tours, to satisfy themselves that the

rules and regulations on the subject were properly carried out. Unless some responsible officers took interest and personally looked into things, the parties would not get due relief. It was not advisable to depend on the Shanbhog's report entirely.

MR. H. B. GUNDAPPA said that the prevailing practice was that the Shanbhog would send up a report in the Pahani to the Amildar who, without holding a personal investigation, would merely forward it to the Sub-Division Officer who, in his turn, would confirm it.

THE SECOND MEMBER OF COUNCIL observed that there was provision for appeal in such cases.

MR. GUNDAPPA proceeding said if he were a clever raiyat he would prefer an appeal but that the generality of the raiyats were apt to submit to the decisions of the subordinate officers, in view of the trouble and expense involved in having to appeal against such decisions. Further, if the raiyats were expected to appeal even in cases involving small sums, it would operate as a great burden on them as they had to pay heavy fees. The burden of proof must rest on the Government and not on the raiyats.

THE SECOND MEMBER OF COUNCIL said that the rules were quite clear and ample on the subject and that if they were not followed in any case the Revenue Commissioner would certainly issue a circular insisting upon notice being given to the parties.

No. 13.—Free grant of lands to Lambani families.
Mr. Jatra Naik, Minority Interest.

MR. JATRA NAIK prayed that the free grant of lands to each family of Lambanies might be raised to at least 15 acres, as the present grant of 5 acres was inadequate for a family.

THE DEWAN said that it was not possible to do this.

No. 14.—Empowering Amildars to grant lands to Lambanis.
Mr. Jatra Naik, Minority Interest.

MR. JATRA NAIK prayed that the Amildars might be empowered to grant lands to the extent of 5 acres having malki below Rs. 50 free of cost to each Lambani family without any consideration as the value of lands was estimated exorbitantly by the villagers so that the Lambanies could not get them.

THE DEWAN said that it was not possible to accede to the request.

No. 15.—Free grant of lands to poor Kaniyars.
Mr. B. C. Rangappa, Minority Interest.

MR. B. C. RANGAPPA prayed that the lands might be given free or at upset price to really deserving poor among the members of the Kaniyar community, as an encouragement to that backward class.

THE DEWAN said that that was also the object of Government.

No. 16.—Revising the rules for gaming in the malnad areas.
Mr. B. M. Dyavegowda, Belur Taluk.

MR. B. M. DYAVEGOWDA said that wild beasts (tigers) were making great ravages on the cattle in the malnad. Government were formerly giving rewards to any one who killed wild animals. The rules now permitted of the hunting of only one wild beast in a year by the person holding a game license. According to recent orders the licenses were issued at the discretion of the Deputy Commissioner. It would not be possible to get at the Deputy Commissioner when the wild beasts were causing havoc in a certain place. An alternative proposal was that the rule about the award of a money prize for killing tigers might be brought into force.

THE FIRST MEMBER OF COUNCIL said that in places where such hardship was felt the District Magistrate had powers to give free licenses.

Most of the malnad members prayed that the rules might be changed for the whole of the malnad areas.

MR. C. SUBBA RAO pointed out a defect in the recent rules, *viz.*, that in certain places where there were valuable forests the Deputy Commissioner could only issue licenses in consultation with the Conservator of Forests. When the tigers were making havoc in a place like that it was rather difficult for the Deputy Commissioner to issue licenses without consultation with the Conservator. He therefore suggested that the Deputy Commissioner himself might be empowered to issue licenses.

MR. M. S. LINGE GOWDA said that tigers would move very fast from place to place and it was no use defining a particular place. Of course, he had no objection to enforcing the taking out of licenses on the shikars, but so far as the raiyats were concerned, there was a strong case made out for the relaxation of the rules.

MR. D. S. MALLAPPA suggested that in view of the fact that the recent orders had been in force for two years, it was desirable to review the position and introduce such changes as were dictated by practice.

THE FIRST MEMBER OF COUNCIL stated that in places where there was danger from tigers, the question of giving general permission to shoot without license would be considered.

No.—17. Giving one-fourth of the income from the sandal trees in private holdings to the land owners in the interest of the trees.
Mr. H. Basavaiya, Minority Interest.

MR. H. BASAVAIYA represented that *Hiduvalidars* of lands containing sandal trees might be given one-fourth of the income realised therefrom as an encouragement to them to preserve the trees and plants from dying. He added that if this suggestion was accepted, it would serve as a sort of commission to them for taking good care of the trees.

THE FIRST MEMBER OF COUNCIL stated that it was proposed to appoint a committee to consider this and other points relating to sandal trees on private lands.

MR. H. B. GUNDAPPA enquired whether there were non-officials on the committee.

THE FIRST MEMBER OF COUNCIL replied in the affirmative.

MESSRS. M. NANJAPPA and C. NARASIMHAIYA said that if Government would only give the *Hiduvalidars* the right to grow sandalwood trees, Government would get a very large income.

THE FIRST MEMBER OF COUNCIL stated that the intention of Government was also to encourage the growth of sandal trees and that the whole question would be considered carefully by the committee.

No.—18. Up-keep of sandal trees.
Mr. Doddaramegowda, Kolar Taluk.

*Note.*—This was already discussed in connection with the previous subject.

No.—19. Recovery of grazing fees.
Mr. Rangaswami Iyengar *alias* Chokkam Iyengar, Magadi Taluk.

MR. RANGASWAMI IYENGAR represented that the levy of a grazing fee on all raiyats irrespective of their cattle being taken to the State forest for grazing worked as a hardship. He, therefore, requested that grazing fee might be recovered only from persons who actually took their cattle to the forests for grazing and not from others. He pointed out that under the present practice, the Sub Divisional Officers used to consult the Shanbhog and the Sheikdar of the concerned villages and levy the grazing fees not only in the *asli* village but also in the *Dhakal gramas*.

MR. VENKATAVARADACHAR complained that the villagers had to pay a fee for their cattle grazing in the village pasture lands and again a proportionate amount out of the lump sum grazing fee charged by the Forest Department. He, therefore, requested that the fee might be levied on the cattle actually grazing in the State forests.

THE FIRST MEMBER OF COUNCIL stated that the lump sum system was not compulsory and that if it was not wanted the usual arrangement of paying for cattle which actually grazed in forests might be followed.

THE CHIEF CONSERVATOR OF FORESTS said that the existing arrangement was meant for the good of the raiyats in that they were required to pay for only one-half of the number of cattle in the village. If the villagers did not want this system, he added, there would be no difficulty to revert to the old rules.

MR. H. B. GUNDAPPA complained that full *Hulbanni* was levied on the cattle on their way to the cattle fair as the cattle would graze on the road margins. This, he said, was a great hardship as the cattle would not graze there every day.

THE CHIEF CONSERVATOR OF FORESTS said that the levy was a very small one not exceeding six pies per head of cattle, that there was nothing wrong in collecting that tax and that there was no justification for foregoing this income which amounted to Rs. 500 in each jatra.

MR. B. KESAVAIYA and many other malnad members said that it was not even easy for the Forest Department to collect the fees, and that there was no reason why the people should be harassed.

DHARMAPRAKASA D. BANUMAIYA said that if the loss to Government was only Rs. 500, he would offer to pay that loss, if by that means the cattle could be allowed to graze free on the way.

THE FIRST MEMBER OF COUNCIL replied that the matter would be examined with a view to see what fodder convenience could be afforded in such cases.

No.—20. Authorising the Amildars to issue free licenses in the case of State forests to the raiyats.

Messrs. A. N. Venkoba Rao, Kumsi Sub-Taluk, N. Gurulingappa and J. Shivarudrappa, Honnali Taluk, and T. Basettappa, Channagiri Taluk.

MR. A. N. VENKOBA RAO represented that under the present rules the Amildars had authority to issue free licenses to the raiyats desirous of getting materials for building houses from district forests. He wanted them to

be authorised to issue free licenses in the case of State forests also, the materials being subject, if necessary, to inspection by the Forest Department. He added that this request should be granted in the case of the Honnali Taluk, in the absence of which the raiyats of that taluk had to go to Shikaripur to see the Forest Ranger.

Some other members from the Shimoga District represented that the residents of the Kumsi Sub-Taluk were very much inconvenienced in not getting materials for building houses from district forests and that they should be permitted under free licenses given to them to get these materials from the State forests.

THE FIRST MEMBER OF COUNCIL stated that enquiries would be made to see what relief could be given.

No. 21.—Forest concessions to the raiyats *re. Kiralbhogi* timber.

Messrs. Katte Dakappa and Gopalachar, Thirthahalli Taluk; Halappa Gowda, Nagar Taluk; Mangesha Rao, Sagar Taluk; Srinivasa Udupa, Nagar Taluk.

MR. DAKAPPA requested that *Kiralbhogi* timber might be given to the raiyats at concessional rates of seigniorage as per Malnad Raiyats Privileges Rules and that no distinction should be made for the levy of seigniorage rates between green and dry wood. He prayed that the rate might at least be reduced from 10 annas to 6 annas at Tirthahalli.

THE CHIEF CONSERVATOR OF FORESTS replied that it was only when the timber was for sale that the charge of 10 annas was made and that if it was meant for personal use there was absolutely no difficulty as it would be given free.

THE FIRST MEMBER OF COUNCIL stated that *Kiralbhogi* was a valuable timber and could not be given at concessional rates.

No. 22.—Forest concessions *re.* the trees on the kans.

Messrs. Manjanna, Minority Interests; Katte Dakappa, Gopalachar and Ramanna Gowda, Thirthahalli Taluk; Halappa Gowda, Nagar Taluk; Venkatagiriappa, Sagar Taluk.

MR. MANJANNA prayed that the trees standing on the kans of a khatedar might be permitted to be taken by him at concessional rates.

THE SECOND MEMBER OF COUNCIL explained that the existing rule was to the effect that such trees should not be cut and removed except when they were dried up, and that the rights of the khatedar in respect of the *kans* were confined to the cultivation of pepper and the utilisation of

green leaves, etc. He added that so far as Government were concerned, the system of cutting a tree once in a way was resorted to just to establish their right to the *kans*.

MR. BHASKAR RAO contended that Government had no manner of right to cut any tree as those trees were maintained by the khatedar for purposes of helping rains, etc. He also repudiated the theory that Government were entitled to cut a tree occasionally for establishing their *hak*. He strongly opposed the idea of allowing any one to cut the trees as proposed.

THE DEWAN replied that it was not possible to show the concession asked for.

No. 23.—Formation of a mixed committee to go into the question of prohibiting drinking.

Messrs. K. T. Satyanarayana Setty, N. M. Sivalingappaiya and K. Thimmegowda, Kadur Taluk; G. Hariyanna, Minority Interests. Hosakoppa Krishna Rao and M. S. Dyavegowda, Koppa Taluk.

MR. SATYANARAYANA SETTY prayed that a prohibition scheme might be formulated to stop the evil of drinking and that a mixed committee of officials and members from the Representative Assembly and the Legislative Council be appointed to go into the question. He drew the attention of the Assembly to the able exposition of the subject by Mr. C. P. Basave Gowda in the last session of the Legislative Council and commended to the consideration of Government the fruitful efforts made by Mr. Pussyfoot Johnson towards temperance reform in America, as also to the social work in the field undertaken by Mr. Rajagopalachar in South India. He added that his only object in bringing up the subject was to induce the Government to introduce temperance reform in gradual degrees.

MR. BAGAMANE DEVAGOWDA was of opinion that if an attempt was made to discourage the growth and maintenance of date groves, it would go a long way to reduce the drink evil and that it was with that object in view he had asked an interpellation about the excise income of the Government.

MR. N. Y. PISSAY said that it was the depressed classes and the minority communities that contributed largely to the excise revenue, and urged the Government to take immediate steps to save both these communities from the drink evil.

MR. M. S. LINGE GOWDA mentioned that nobody was opposed to the proposed reform but that the real trouble lay with Government who had counted upon an excise revenue amounting to Rs. 60 lakhs a year. It was quite

possible, he said, to make a serious beginning in the direction of prohibition provided the Government were less keen on enhancing their excise income and were prepared to reduce it at the rate of Rs. 2 lakhs a year.

THE DEWAN observed that this was a very very old subject and that there was no need to expatiate upon it. He thought that it would be better to watch the progress of the temperance movement in British India and adjust the policy in Mysore suitably.

MR. M. S. LINGE GOWDA suggested that the Economic Superintendents might with profit give demonstrations with lantern slides to the masses congregating during jatras and fairs touching the numerous evils of the drink habit. He said that such efforts in America had had wholesome effects. He also pointed out that the loss in excise revenue could to a certain extent, be made up by the manufacture of date sugar.

MR. S. N. M. RAZVI thought that no good purpose would be served by the proposed committee unless Government agreed not to fight shy of the loss of the excise revenue.

MR. K. THIMME GOWDA said that there was a possibility of the drink evil being mitigated by discouraging the existing practice of auctioning the excise shops to the highest bidders.

THE DEWAN replied that Government were not prepared to forego the excise revenue and that not much good would be derived by the appointment of the proposed committee.

No. 24.—Disposal of lands containing date trees overgrown with lantana.

Mr. Channamaregowda, Nelamangala Taluk.

MR. CHANNAMAREGOWDA represented that in some taluks, date trees standing on Government waste lands were dying out owing to the thick growth of lantana. In order to remove this pest and protect the date trees, such lands, he said, might be granted to the raiyats subject to payment of only the value of the trees to Government, and on condition that they should remove the lantana and protect and conserve the date trees and plants and utilise to their own benefit the amounts that might be realised by leasing out the trees.

THE SECOND MEMBER OF COUNCIL replied that Government had advertised the auctioning of thousands of acres of date groves but that there was no manner of

response from the public. He was afraid that the speaker was thinking of a particular land in moving the subject and that the proposal was not feasible.

No. 25.—Excise shops to be kept open only in the evenings.
Mr. S. Venkatasamigowda, Malur Taluk.

MR. VENKATASAMIGOWDA represented that toddy and arrack shops were at present kept open from 8 A.M. till 10 P.M. every day, that this induced drunkards to make frequent visits to the shops in a day, that this would not only render them unfit for work but result in great wastage of their money and that with a view to prevent this, he prayed that arrangements might be made to open those shops only in the evenings between 6 P.M. and 10 P.M. as in England.

THE SECOND MEMBER OF COUNCIL replied that it would not be possible to accept the suggestion since it would not achieve the object for which it was intended.

No. 26—Facilities to all communities in *Shivakootas* and *Vishnukootas*.

Messrs. B. S. Puttaswami, T.-Narsipur Taluk; M. C. Linge Gowda and S. C Malliah, Mandya Taluk; Patel Linge Gowda, Krishnarajpete Taluk; K. V. Veeranna, Chamarajanagar Taluk; Chikke Gowda, Malvalli Taluk; Linge Gowda, Heggadadevankote Taluk; Chikkegowda *alias* Annegowda, Mandya Taluk; B. Chennappa, Yedatore Taluk; H. C. Dasappa, Special Interest; T. S. Alikhan, Minority Interest; V. Bandiah, Nanjangud Taluk; H. C. Rayappa, Minority Interest; Puttananjiah, Malvalli Taluk; Thimmegowda *alias* Thammayya Gowda, Krishnarajpete Taluk; Dharmaprakasa D. Banumiah, Special Interest; Sangana Basappa, Chamarajanagar Municipality.

MR. M. C. LINGE GOWDA complained that in temples endowed by Government only the people of one community were being fed in *Shivakootas* and *Vishnukootas* and prayed that similar facilities be given to all communities alike. He pointed out that formerly the choultries had been monopolised by one community, but latterly as a result of a series of representations made in the Assembly, they were thrown open to the other communities as well. He prayed that similarly the practice in the temples should be altered suitably.

MR. SIDDALINGADEVARU and DHARMAPRAKASA D. BANUMAIYA represented that members of every Hindu community had an inherent right to receive *Prasada* in the temples and that no speciality should be shown to the Brahmin community. They had no doubt that there would be no any difference of opinion in the Assembly on the proposed reform.

MR. Y. SRINIVASIENGAR and MR. C. SUBBA RAO also supported the representation.

MR. S. N. M. RAZVI apprehended that if the suggestion was adopted, it would become necessary to have one kitchen for each Hindu community in every temple since all communities might not agree to partake of the food prepared by one community.

MESSRS. S. C. MALLIAH and SIDDALINGADEVARU objected to the intervention of Mr. Razvi and questioned his competence to speak on the affairs of the Hindu temples.

THE DEWAN pointed out that the feeding of Brahmins in temples was based on usage (*mamool*) handed down from ages and that it might not perhaps be desirable to do away with such ancient practices in temples.

MESSRS. S. C. MALLIAH and H. B. GUNDAPPA protested against Government attaching any value to *mamool* claims in the 20th century when a spirit of equality and fraternity was preached everywhere. They said that it would be in the fitness of things to change the old order just as they did in the case of the choultries and sanskrit schools which had been monopolised by one community, and throw open the privileges in the temples to all communities alike. They stressed the point that when the cost of running the temples was being contributed by all sections of the community, it was but just that no distinction should be made in the matter of distributing *Prasadas*, etc.

MR. VENKATAVARADACHAR pointed out that there was a certain amount of misunderstanding on the part of the members who spoke on the subject, since there was no manner of restriction *re. Prasada Viniyoga, i.e.*, for any member of the non-Brahmin community claiming and receiving the *Prasada*, but that it was a fact that a distinction was being made in the matter of feeding, which varied according to temples. He admitted that in many temples the usage was to confine *Santharpanes* only to Brahmins and there were also temples where the feeding was thrown open to other communities. He also explained that there were any number of non-Brahmin employees in the temples who were enjoying equal privileges in the matter of *Prasada* as any Brahmin employee.

MR. H. C. DASAPPA pointed out that there was no justification for Government making any such distinction between community and community, that they should rise above false sentiments and uproot the monopolistic tendencies among the people and throw open the rights in the temples to all communities alike just as they did recently in the case of the Yediyur temple.

MR. N. G. SANJEEVIAH suggested as an effective solution of the controversy the total abolition of feeding in temples. He also commended the practice obtaining in Northern India where no manner of distinction existed in the matter of worship in the temples and every one was allowed to offer worship to God.

MR. M. S. LINGE GOWDA strongly supported the above suggestion and said that even in the Benares temple, which was considered by the Hindus as the holiest of the holy temples, no restraint was imposed as regards the worship of God and commended the adoption of the same practice in Mysore. He said that there was not much force in the plea for perpetuating the *mamool* and that Government with an eye to progressive measures should put a stop to meaningless customs, just as the British Government did in connection with the abolition of the *Sati*. He was of opinion that the invidious treatment meted out to the people in the temples was responsible for the growth of sectarianism and appealed to Government to promote cosmopolitanism with a view to unifying the various communities.

THE DEWAN replied that Government could not be expected to give an off-hand answer to the representation and that it was a matter which required consideration and consultation with other interests.

No. 27—Prevention of cow slaughter in Mysore.

Messrs. B. S. Puttaswami, T.-Narsipur Taluk; M. C. Linge Gowda, and S. C. Malliah, Mandya Taluk; Patel Linge Gowda, Krishnarajpete Taluk; K. V. Veeranna, Chamarajnagar Taluk; Chikke Gowda, Malavalli Taluk; Linge Gowda, Heggaddevankote Taluk; Chikkegowda *alias* Annegowda, Mandya Taluk; B. Chennappa, Yedatore Taluk; H. C. Dasappa, Special Interest; T. S Alikhan, Minority Interest; V. Bandiah, Nanjangud Taluk; H. C Rayappa, Minority Interest; Puttananjiah, Malvalli Taluk; Thimmegowda *alias* Thammayya Gowda, Krishnarajpete Taluk; Dharmaprakasha D. Banumiah, Special Interest; Sangana Basappa, Chamarajanagar Municipality.

The Committee appointed to investigate the question of cow slaughter in Mysore is stated to have sent their report to Government. It is prayed that proper legislation may be enacted early to stop cow slaughter in Mysore.

THE DEWAN replied that the report of the Committee appointed to investigate the question was awaited by Government.

No. 28—(*a*) Restricting the open slaughter of animals.

Mr. G. S. Murigappa, Gubbi Municipality.

(*b*) Prevention of cow slaughter and slaughter of other animals.

Mr Devikercyappa, Hosadurga Taluk.

(*a*) It is prayed that a ruling may be made to restrict the open slaughter of animals in public streets, etc., during Mari Jatras, etc.,

(*b*) and that a legislative enactment may be passed *re.* preventing of cow slaughter and slaughter of other animals before deities for sacrifice.

THE SECRETARY TO GOVERNMENT, LAW DEPARTMENT, replied that orders had been issued restricting the open slaughter of animals in Gubbi and that a general order was also issued regulating the practice in other places. (*Vide* G.O. No. P. 7140-8—Pol. 209-27-1, dated 6th June 1928.)

No. 29.—Reducing the rates of fees on licenses under the Arms Regulation.

Mr. S. Lingappa, Chiknaikanhalli Taluk.

MR. S. LINGAPPA prayed that the rates of fees on licenses under the Arms Regulation might be reduced to what they were before.

MR. N. G. SANJEEVIAH represented that the descendants of certain military families who had inherited certain weapons like swords were compelled to obtain licenses and it should not be enforced in their cases as they were not a source of danger to others. He also said that in certain temples where swords were kept as a mark of honour, licenses had to be obtained on payment.

THE SECOND MEMBER OF COUNCIL explained that no cases of the former category had come to the notice of Government and that as regards the temples, licenses could be obtained without any difficulty. He was not prepared to admit that the people had any grievance in this matter since the rates of fees fixed in Mysore were much lower than those in British India.

In reply to Mr. D. S. Mallappa's query as to why the old rates of fee for fire-arms should not be restored, THE SECOND MEMBBR OF COUNCIL said that it was not the idea of Government to encourage the possession of revolvers by the public and that it was not so much for the earning that the rates were enhanced.

In answer to another query from Mr. Siddalingappa Setty, THE SECOND MEMBER OF COUNCIL said that no licenses would be granted to holders of revolvers of prohibited calibre.

At this stage, the Assembly rose for lunch and reassembled at 3-30 P.M.

No. 30.—Amendment of Stamp Regulation.

Mr. K. T. Bhashyam, Special Interests.

MR. K. T. BHASHYAM prayed that the Stamp Regulation be so amended as to allow unstamped and insufficiently stamped promissory notes being admitted in evidence on payment of duty and penalty.

He explained that unstamped and insufficiently stamped pro-notes were not admitted in evidence. This operated as a great hardship. What exactly was the stamp payable on a pro-note had to be found out from a long list since it varied with the amount and the time stipulated. The illiterate agriculturists who helped others with loans on pro-notes often affixed insufficient stamps and sometimes, for want of stamps available near about took only plain paper pro-notes. If, at the end of three years after the stipulated time, they did not get money and file suits, the courts rejected the documents and the parties lost their money.

The present law taught a litigant to be fraudulent. It rejected the pro-note and said that he might base his claim on the original cause of action, namely, the loan, if it was distinct and separate from the pro-note. The litigant who found his pro-note inadmissible uttered blatant falsehood that the loan was long previous or at all events, the day previous to the pro-note which was only taken as evidencing the loan.

Further he pointed out that by such an amendment as prayed for in the representation, the Government would not lose anything. Later, they would get more revenue by way of duty and penalty. He did not understand why a man should lose his money merely because he took a pro-note instead of a bond, a distinction which sometimes was difficult even for lawyers to establish. And when he was prepared to pay duty and penalty, there was no morality or rationale which prevented the Government from granting to him the relief to which he was justly entitled.

He therefore submitted that, just as on bonds, so too on pro-notes, unstamped, and insufficiently stamped, duty and penalty might be levied, and the documents admitted in evidence, and that the Stamp Regulation be suitably amended.

THE THIRD MEMBER OF COUNCIL pointed out that promissory notes were negotiable and that the negotiability would be affected if they were unstamped.

THE STAMP COMMISSIONER explained the situation. He said that the promissory note was a special form of bond devised purposely with certain rights and privileges to facilitate commercial transactions. It was not intended as an ordinary method for the use of money lenders. It was

intended more for the purpose of promoting commerce and also to making it easily transferable. Therefore it was invested with certain special privileges. He pointed out that these privileges could not be placed on a par with those attaching to bonds carrying a high duty and penalty. For instance, if an ordinary bond was executed for Rs. 10,000, Government would get a large stamp duty. But, if it were not treated as a bond, it would carry a lower stamp fee and could be used for particular transactions with the privilege of negotiability. He did not think it was right to have both the privilege of negotiability as well as the privilege of paying a lower stamp fee without certain restrictions. A promissory note was a complete transaction on the basis of one anna stamp. But its operations were limited to certain classes of cases. In other words, there were two privileges, one of negotiability paying a nominal duty with the privilege attached to highly stamped bonds. He wanted to know which he preferred whether paying penalty of Rs. 10,000 stamp duty on transactions of lakhs of rupees or to take the promissory note for purposes of facilitating ordinary commercial transactions subject to inevitable restriction to the effect that if only it is properly stamped it would be admitted in evidence in a court of law. He said that what was wanted by the proposer was to have transactions of lakhs of rupees after paying the stamp fee of only one anna. This cannot be conceded. A promissory note was based on this special principle, *viz.*, negotiability which carried certain rights and disabilities, namely, that only if it was properly stamped could it be produced in a court of law. On the other hand, if it was intended that the note should be regarded as a bond and admitted in evidence in a court of law and duty and penalty levied and recovered afterwards, then it would have to be regarded as an ordinary bond.

MESSRS. D. S. MALLAPPA and PUTTASWAMI thought that duty and penalty might be levied by the court, as otherwise the raiyats would lose the money lent by them on promissory notes.

THE THIRD MEMBER OF COUNCIL said that it might affect commercial transactions between Mysore and British India.

THE SECRETARY TO GOVERNMENT, LAW DEPARTMENT, said that such a law was not in force anywhere else and that if advantage is intended to be taken of the privileges attached to documents coming from foreign countries, the existing law should not be interfered with.

As however, there were many technical difficulties and legal complications, THE DEWAN promised that the question would be considered further.

No. 31.—Trial of certain criminal cases by Assistant Commissioners and Ex-officio Magistrates.

Messrs. Hosakoppa Krishna Rao, Koppa Taluk ; Rameswara Sastri, Sringeri; M. Siddalingappa Setty, Chickmagalur Taluk ; Bagamane Devagowda and B. P. Basappa Chetty, Chickmagalur Taluk.

MR. HOSAKOPPA KRISHNA RAO requested that in the interests of justice, the recently sanctioned scheme of empowering Assistant Commissioners and Ex-officio Magistrates in charge of revenue sub-divisions to try certain criminal cases should not be given effect to and the same be rescinded forthwith. He observed that when people were representing that even the District Magistrates should be divested of their judicial powers, it was not right for the Government to give criminal powers to Assistant Commissioners. This was only a retrograde step. He further pointed out that the words " other considerations " were very vague. They might be interpreted in any manner in the absence of the precise nature of those considerations.

MESSRS. BASAPPA CHETTY and D. S. MALLAPPA agreed with the above view and added that the executive officers should not be given judicial powers.

It was pointed out by Government that this was an exceptional arrangement to which recourse would be had rarely when the Special Magistrates could not exercise their powers within their jurisdiction on account of personal or other considerations. It was an arrangement which would be convenient to parties and witnesses also who would otherwise have to attend a court in a distant place. The difficulty was felt in the case of the Chief Court ordering re-trial of a case on revision against the orders of a District Magistrate. And when there was no other Magistrate in the district, it was thought best to empower the Assistant Commissioner to re-try such cases. The arrangement was thus intended to cover cases of such exceptional nature.

As, however, many members desired either the deletion of the words " other considerations" or an exhaustive definition of the above words, THE THIRD MEMBER OF COUNCIL replied that a circular would be issued by Government to District Magistrates to the effect that the order was intended to cover personal considerations.

*Adjournment Motion.*

At this stage, the following adjournment motion was taken up for discussion :—

"That the business of the House be adjourned to discuss the policy underlying the orders passed by the City Magistrates of Mysore and Bangalore, under Section 45 of the Mysore Police Regulation, prohibiting the holding of meetings and assemblies within the local areas of the said cities, without obtaining license from the above said City Magistrates, which is a definite matter of recent occurrence and of public importance."

MR. D. S. MALLAPPA opened the discussion. In so doing he observed that the object in bringing the motion was to discuss the policy underlying the issue of prohibitory orders under Section 45 of the Mysore Police Regulation by the City Magistrates of Bangalore and Mysore. Such an order restricted the liberties of the people or a body of people in that no assembly or meeting could be held without first obtaining license for the same from the authorities concerned. In other words, it meant that even for the celebration of social and religious functions, licenses should be obtained. The primary and inherent rights of citizens were thus encroached upon. He was at a loss to know why such orders were issued. The reasons for the issue of the orders were not stated in the order issued by the City Magistrate of Mysore, although the law required that the reasons and time limit should be given and fixed respectively. He, therefore, appealed to Government to protect such fundamental rights of citizens.

MR. P. SUBBARAMA CHETTY strongly supported the motion. He regretted that such orders should have been issued when all along people were crying for responsible Government. He appealed to Government to protect the fundamental rights of citizens and give people absolute freedom of worship and freedom of speech.

MR. S. N. M. RAZVI also did not like the policy underlying the issue of such orders. He pointed out that it was very difficult to get licenses first to hold meetings and later on to act up to the conditions specified in them strictly.

MR. K. T. SATYANARAYANA CHETTY in further supporting the motion observed that while the Second Member of Council was pleased to observe on a previous occasion that unless people were ready to shoulder increased responsibilities, no responsible Government could be given, such repressive measures like the one under

discussion stifled public opinion and prevented people from being enlightened and more civilized, thus checking their progress towards the attainment of responsible Government. He feared that in course of time a day might come when even villages and towns would be visited with such repressive measures. He had no objection if such orders had been issued in exceptional circumstances.

MR. M. S. LINGE GOWDA enquired what necessity there was for the promulgation of such orders in times of peace. He said it was not right to prohibit any meeting but that it would be perfectly just to take action against such persons who happened to have spoken seditious matters. There was all the vigilant detective staff which could supply information as to whether any seditious matters were spoken or not in any particular meeting. He said that the order as issued did not make any difference between peaceful citizens and rowdies.

MR. K. T. BHASHYAM observed that license was required even for holding a condolence meeting and instanced a case in Bangalore where license was refused for holding such a kind of meeting.

MR. B. NARASINGA RAO showed the legal defects in the orders issued and said that only the over-enthusiastic subordinates of the judiciary could have issued such orders in order to please the Government in their view, although later on the Government would be discredited. In this connection he pointed out the undesirability of giving such powers to Magistrates who could make use of them in any way they pleased. Such a policy was therefore inadvisable to be adopted.

MR. K. T. SESHAIYA enquired what necessity there was to govern the country with such repressive measures when the Government were one with the people. He pointed out that such orders ought to have been issued after taking into consideration the tendencies of the times.

DHARMAPRAKASHA D. BANUMIAH referred to certain acts of Police *julum* in Mysore on the *Ugadi* day and observed that the Police when once armed with such powers could do anything they pleased.

MR. NILGIRI SANJEEVIAH observed that, simply because somebody committed some violent act at some meeting, it was not right on the part of the Magistrates to have issued such orders which were indefinite and vague and therefore the action of the magistracy was rightly to be resented.

MR. B. S. PUTTASWAMI added that it was not the intention of the members of the House or the public that the

Government should not be strong. But liberty of the people should not be trampled upon in so arbitrary a manner. He pointed out that there were the penal provisions of the Indian Penal Code which could with advantage be used to book persons who were found to be a danger to public peace or who happened to have spoken sedition.

THE LEGAL REMEMBRANCER TO GOVERNMENT said that the question raised in the debate, namely, the fundamental rights of citizens was a large one. Until 1859 eminent jurists of the west said that the liberty of the people was very sacred and that nobody could interfere with it. Since then opinion had changed. It was considered necessary that such a liberty should have its limitations in the larger interests of the people. It was in pursuance of that principle that Section 144 of the Criminal Procedure Code and Section 45 of the Mysore Police Regulation had been framed. By these sections extensive powers were given to the Magistrates in order to preserve public peace. They were responsible for the preservation of public peace. In the interests of the public, it was not only the individual liberty but the liberty of associations or assemblies could also be restricted. To restrict such liberty, it was not necessary that the Magistrate should ask the Government or anybody else. If he had reasonable grounds for holding that there was danger of the breach of public peace, he could take action under the two sections mentioned above. Of course, he was also required to give reasons. Some Magistrates gave reasons and others did not. That was because it was sometimes difficult to give reasons. The mere fact that no reasons were given could not be taken to mean that as the Magistrate had no reasons for his action.

MR. NILGIRI SANJEEVIAH enquired why the Government could not obtain the papers from the Magistrates.

THE LEGAL REMEMBRANCER TO GOVERNMENT replied that Government had received no complaints. It was a judicial matter and it was open to the highest court having jurisdiction to call for papers or the explanation of the Magistrates concerned. Government could not interfere in such matters in their executive capacity. After all no meeting was absolutely prohibited. The order simply required that license should be taken previously. Even all assemblies did not come under the purview of the order. Whatever did not affect public peace was not covered by the order. It was reported that the order would be enforced for 30 days. The law was clear as to which assembly should be considered as

unlawful and which lawful. The Magistrate had full powers and whether it was necessary to exercise them on a particular occasion was a question of fact which could not be considered on its merits in the Representative Assembly. Although there is some curtailment of the liberty of the individuals, it was only for a temporary period and in the interests of the preservation of public peace.

MR. H. C. DASAPPA said that there might be need for such an order in Bangalore but that there was no need at all in such a peaceful city as Mysore and that it was an insult to the peace-loving citizens of the Mysore City.

THE SECOND MEMBER OF COUNCIL enquired why nobody appealed to the District Magistrate.

MR. B. S. PUTTASWAMI enquired who should have gone on appeal to higher tribunals when the order was against the whole public in general.

MR. K. T. BHASHYAM did not know why there should be an appeal when the Assembly was a fit place for discussion of the policy underlying the issue of the order.

THE LEGAL REMEMBRANCER TO GOVERNMENT, continuing, observed that it was open to the people to have gone to the Magistrate and represented their case, and that if they got no redress from him, they could have gone to the District Magistrate and then, they could have approached the Government if no redress was obtained even from the District Magistrate.

MR. H. C. DASAPPA said that the Assembly contained representatives from the whole State and that it was a fit place for discussion.

THE DEWAN enquired why no application was made to the District Magistrate.

MR. H. C. DASAPPA replied that if, for instance, Vokkaligars specifically came under the ban then it was open to them to approach the District Magistrate. But, the order was against the whole city. Under that order even a party meeting could not be held without license.

MR. RAMASWAMY said that if a particular order caused hardship to the people, it was the business of the Assembly to right the wrong. That was why the Assembly was the right place to discuss the matter.

THE SECOND MEMBER OF COUNCIL observed that the Assembly was not the place for hearing appeals or deciding appeals.

Many members pointed out that so far as the legality or propriety of the issue of the order was concerned, they

could have approached the District Magistrate; but, so far as the policy underlying the issue of the order was concerned, the Assembly was the only place where it could be discussed.

THE SECOND MEMBER OF COUNCIL in winding up the debate observed that the policy underlying the issue of the orders was the preservation of law and order. He pointed out that the members ought not to go into the facts of a particular case in the House. Whether the Magistrate was right or wrong in passing the order in the particular circumstances, Government did not know. He presumed that the Magistrate must have had sufficient grounds for coming to a decision and the law provided that he could pass such an order. The order might be right or wrong. There were other authorities to sit in judgment over the order. If the higher judicial authorities also agreed with the lower court's order, the people affected had a right to approach the Government. But the policy underlying all these actions was the policy under which all the various sections of the Regulation were based. That was a policy of preservation of peace and order in certain circumstances. As the learned Law Secretary explained, there are certain circumstances under which it would be necessary to curtail liberty of speech, the liberty of action of individuals or a body of individuals, in order to protect the general peace in the whole country. That was the policy and he did not think that any person could question that policy. The only thing was whether in a particular case, action taken in accordance with that policy was right or not. But that was a different matter. There are certain hierarchy of officers who could deal with these matters.

In regard to the observation made by some members about the order issued by the City Magistrate at Bangalore, The Second Member of Council said that everybody knew that the conditions in Bangalore were rather bad and that there were chances of a serious breach of peace but for prompt action taken or about to be taken. There were a large number of persons who had quitted their employment and were suffering from hunger and so far as the Government were informed, there were many ideas prevalent among them to break public peace and therefore it was considered necessary to curtail their liberty to some extent so as to restrict their actions. So far as Government were informed, it had had good effect. He did not think that any Government could give up its responsibility to take action like that in

circumstances which demanded action in the interests of the general peace of the whole city of Bangalore.

As regards the order issued by the City Magistrate of Mysore, he said he did not know the particular facts on which they were issued and it was open to anybody who was affected to approach the various authorities responsible and ask them to set right any defect or grievance, and if those authorities did not agree with that view, Government could be approached for a final decision.

MR. C. NARASIMHAIYA said that as the City Magistrate did not go about and understand things first hand, he had to depend upon the police reports. In his opinion, it was dangerous to act solely on these reports. All that he urged was that the liberties of the people should not be restricted on the information of the police and that the Government should see that some fear was infused in the minds of the Magistrates acting on police reports.

MR. H. KRISHNA RAO desired that the section itself should go. But, many other members of the House did not advocate the abolition of the section altogether. Their main point was that abuse of the powers should be prevented.

THE DEWAN said that the views expressed in the House would be noted.

As there was no further discussion, the House adjourned to meet again the next day.